

**United States District Court  
Western District of Washington  
At Seattle**

**Robert Strain**

Plaintiff,

v.

**Equifax Information Services, LLC**

Defendant.

Cause No:

**Complaint**

**Jury Demand**

**Jurisdiction**

1. This Court has jurisdiction pursuant to the FCRA 15 USC section 1681p and the doctrine of supplemental jurisdiction. Venue is proper in the Western District of Washington.

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**Preliminary Statement**

2. The plaintiff Robert Strain brings this action for damages based upon defendant's violations of the Fair Credit Reporting Act, 15 U.S.C § 1681e(b) ("FCRA"), and of state law obligations brought as supplemental claims.

3. Plaintiff is a resident of King County, Washington and is a "consumer" as defined by section 1681a(c) of the FCRA.

4. Equifax Information Services, LLC ("Equifax"), is a company licensed to do business in the State of Washington.

5. Equifax is a consumer reporting agency, as defined in section 1681(f) of the FCRA regularly engaged in the business of assembling, evaluating, and dispersing information concerning consumers for the purpose of furnishing consumer reports, as defined in section 1681a(d) of the FCRA, to third parties.

**Factual Allegations**

6. Plaintiff's creditworthiness and privacy have been repeatedly compromised by the acts, and omissions of the defendant.

7. Since before 2002, plaintiff has repeatedly disputed information reported regarding his creditworthiness with defendant.

8. Since 2002 Equifax has repeatedly failed to maintain correct information and then failed to investigate and correct false information on plaintiff's credit report resulting in adverse action and abstention in applying for credit.

9. In 2003, plaintiff sued Equifax in C03-3955L for this error and that matter was resolved between the parties.

1 10. Despite an agreement that it would resolve the mismerging of his son's information with  
2 his credit report, Equifax merged them again and plaintiff sued it in 2007 by cause of action 07-  
3 247TSZ.

4 11. In May 2008 Key Bank took adverse action against plaintiff because of the derogatory  
5 information reported by Equifax. A true and correct copy of the notice of adverse action by Key Bank  
6 is attached as Exhibit 1.  
7

8 12. Upon information and belief the information falsely reported by Equifax to Key Bank  
9 belongs to plaintiff's son.

10 13. Upon information and belief, plaintiff has no accounts that match the description by Key  
11 Bank that "[y]our credit report reflects a serious delinquency, and derogatory public record or  
12 collection filed", "[y]our credit report shows and amount owed on delinquent accounts", "[y]our credit  
13 report shows the length of time since derogatory public record or collection is too short", "[y]our credit  
14 report shows that the proportion of balances to credit limits is too high on revolving accounts" provided  
15 in Exhibit 1.  
16  
17

18 14. As a result of the false reporting of his creditworthiness, plaintiff has sustained actual  
19 damages including but not limited to adverse action taken on applications for credit and abstention  
20 from applying for credit as well as other damages that result from the repeated, reckless and willful  
21 reporting of the false information on his consumer report.  
22

23 15. The repeated inclusion of false information is evidence of willful and/or reckless behavior  
24 by Equifax.  
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**Statement of Claims Against Equifax**

16. In the entire course of its action, Equifax willfully and/or negligently violated the provisions of the FCRA in the following respects:

- a) By willfully and/or negligently failing in the preparation of the consumer reports concerning plaintiff, to follow reasonable procedures to assure maximum possible accuracy of the information in the reports;
- b) By willfully and/or negligently failing to comport with the FCRA section 1681e(b);
- c) Defaming plaintiff by publishing to third parties false information regarding his creditworthiness;
- d) Invading the privacy of plaintiff;
- e) Failed in its duty to prevent foreseeable injury to plaintiff.

**Trial By Jury Demanded**

17. Plaintiff demands trial by jury on all issues so triable.

**Prayer For Relief**

THEREFORE, Plaintiff prays that the Court grant the following relief against defendant:

- a) actual damages;
- b) punitive damages;
- c) attorney's fees; and
- d) costs.

Respectfully submitted,

DATED this 16th day of September 2008.



Christopher E. Green  
Attorney for plaintiff

Card Service Center  
Customer Service  
P.O. Box 6500  
Sioux Falls, SD 57117-6500



April 20, 2008



ROBERT B STRAIN  
810 S 27TH ST  
RENTON WA 98055-5044

ACCOUNT NUMBER  
4006617920049001

Dear ROBERT B STRAIN:

Based on a recent review of your account, we find it necessary to reduce your credit limit. Your new credit limit is \$1,140. This decision was based on the following information in your credit bureau report dated February 28, 2008:

- Your credit report reflects a serious delinquency, and derogatory public record or collection filed.
- Your credit report shows an amount owed on delinquent accounts.
- Your credit report shows the length of time since derogatory public record or collection is too short.
- Your credit report shows that the proportion of balances to credit limits is too high on revolving accounts.

This information was obtained in a report from the consumer reporting agency listed below. You have a right under the Fair Credit Reporting Act to know the information contained in your credit file at the consumer reporting agency. The reporting agency played no part in our decision and is unable to supply the specific reasons why we have denied credit to you.

You also have a right to a free copy of your credit report from the consumer reporting agency, if you request it no later than 60 days after you receive this notice. In addition, if you find that any information contained in the report you receive is inaccurate or incomplete, you have the right to dispute the matter with the reporting agency.

Equifax Credit Information Service  
P.O. Box 740241  
Atlanta, GA 30374-0241  
1-800-685-1111

If your credit report is not correct, we would be willing to reconsider our decision. However, in order for us to do this, please send a copy of your updated credit report within 30 days. Please be sure to include the reference number that is on this letter.

If you have any questions regarding this matter, please call 1-800-444-4539.

Sincerely,

R. M. Pick

Mgr., Consumer Credit Services

FEDERAL REGULATIONS REQUIRE THE STATEMENT PRINTED ON THE REVERSE  
SIDE

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